

**EXHIBIT D**

51908 Miyano Minenura Excerpt.txt

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1           IN THE UNITED STATES DISTRICT COURT  
2           NORTHERN DISTRICT OF ILLINOIS  
2           EASTERN DIVISION

3

4        MIYANO MACHINERY USA INC.,        }

5    }

5    } Plaintiff,

6    }

6    } -vs-    } CIVIL ACTION  
7        MIYANOHITEC MACHINERY,                }

8    } INC., THOMAS ("TOM") MIYANO                          }

8    } a/k/a TOSHIHARU MIYANO and                                  }

9    } STEVEN MIYANO, a/k/a    }

9    } SHIGEMORI MIYANO,    }

10    } Defendant.    }

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12       EXCERPT OF THE RULE 30(b)(6)

13       DEPOSITION OF AKIRO MINEMURA

14       MAY 19, 2008 - 10:00 A.M.

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16               Excerpt of the Rule 30(b)(6) Deposition  
17               of AKIRO MINEMURA, taken pursuant to the Rules of  
18               Civil Procedure for the United States District  
19               Courts pertaining to the taking of depositions,  
20               taken before Jerry Satterlee, a Certified  
21               Shorthand Reporter within and for the State of  
22               Illinois, at 200 West Adams Street, Suite 2850,  
23               Chicago, Illinois.

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1       PRESENT:

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3       COOK, ALEX, MC FARRON,  
4       MANZO, CUMMINGS & MEHLER, LTD., by:  
5       MR. EDWARD D. MANZO,  
6       MR. LOUIS J. ALEX and

51908 Miyano Minenura Excerpt.txt

7 MR. JASON R. SMALLEY,  
8 -and-  
9 MASUDA, FUNAI, EIFERT & MITCHELL, LTD., by:  
10 MR. STEVEN L. KATZ and  
11 MR. GEORGE H. KOBAYASKI,  
12 on behalf of the Plaintiff;  
13  
14 DOWELL BAKER, by:  
15 MR. GEOFFREY A. BAKER,  
16 -and-  
17 FRANCISSEN PATENT LAW, P.C., by:  
18 MR. VERNON W. FRANCISSEN,  
19 -and-  
20 ROBERT M. KARTON, LTD., by:  
21 MR. ROBERT M. KARTON,  
22 on behalf of the Defendants.  
23  
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1 ALSO PRESENT:  
2  
3 MR. TAKAYUSHI HOSHINO, Official Translator,  
4 773.588.7461;  
5  
6 MS. SAYAKA LEWIS, Legal Assistant and  
7 Translation Checker,  
8 (Masuda, Funai, Eifert & Mitchell, Ltd.).  
9  
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51908 Miyano Minenura Excerpt.txt

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1 (PROCEEDINGS WERE HAD WHICH ARE  
2 NOT HEREIN TRANSCBIRED).

3 \* \* \* \* \*

4 (BEGINNING OF EXCERPT)

5 \* \* \* \* \*

6 AKIRO MINEMURA,

7 called as a witness herein, having been first  
8 duly sworn, was examined and testified through an  
9 interpreter as follows:

10 EXAMINATION

11 BY MR. BAKER:

12 \* \* \* \* \*

13 Q. Do you know who George Kobayashi is?

14 A. Yes, I do.

15 Q. Do you know that George Kobayashi  
16 signed a declaration in November 2002 claiming  
17 that Miyano Machinery USA was continuing to use  
18 the triangle logo?

19 A. I have never seen that document.

20 Q. Do you have any understanding of the  
21 basis for Mr. Kobayashi's declarations under  
22 penalty of perjury to the trademark office that  
23 Miyano Machinery USA was using the triangle logo

Page 3

51908 Miyano Minenura Excerpt.txt

24 on machine tools?

□ 5

1 THE INTERPRETER: Could you reread the  
2 question?

3 MR. MANZO: I will object to the question.

4 (THE QUESTION WAS READ.)

5 MR. MANZO: And I am going to instruct --

6 MS. LEWIS: I don't think it was quite  
7 accurate.

8 THE INTERPRETER: Would you reread the  
9 question.

10 (THE QUESTION WAS READ.)

11 (THE QUESTION WAS RETRANSLATED.)

12 MR. MANZO: And I am sorry, have you  
13 finished translating?

14 THE INTERPRETER: Yes.

15 MR. MANZO: I am going to instruct the  
16 witness that he may not in his answer communicate  
17 information exchanged between the company and Mr.  
18 Kobayashi.

19 THE INTERPRETER: Company and I am sorry?

20 MR. MANZO: And Mr. Kobayashi.

21 BY THE WITNESS:

22 A. He doesn't understand how Mr.  
23 Kobayashi came up in this discussion.

24 MR. MANZO: What was the end of his answer?

□ 6

1 THE INTERPRETER: He does not quite  
2 understand how Mr. Kobayashi came up in this  
3 discussion.

4 BY MR. BAKER:

5 Q. Does he understand the question before  
Page 4

51908 Miyano Minenura Excerpt.txt

6 him?

7 A. You mean about George Kobayashi?

8 Q. I mean literally did he understand the  
9 exact question and the instruction for that  
10 matter?

11 A. By the last question, you mean  
12 whether or not Mr. Kobayashi signed the document?

13 Q. Actually, I think the question was do  
14 you have an understanding of what the information  
15 and basis was for Mr. Kobayashi signing the  
16 declaration?

17 MR. MANZO: I would offer an objection.

18 Are you asking --

19 MR. BAKER: Jerry, could you reread the  
20 question back.

21 (THE QUESTION WAS READ.)

22 THE INTERPRETER: He would like to say  
23 something.

24 MR. BAKER: Of course.

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1 BY THE WITNESS:

2 A. Because there are other Kobayashis in  
3 the company, could you be specific about the  
4 George Kobayashi you are talking about?

5 Q. Sure. See the gentleman sitting at  
6 the end of the table with the blue suit and orange  
7 tie? That is George Kobayashi.

8 A. I was misunderstanding.

9 MR. BAKER: Not at all.

10 Could you read the question one more  
11 time. Sorry about that.

12 BY THE WITNESS:

13 A. A long time ago there was a person in

14 51908 Miyano Minenura Excerpt.txt  
my company called George Kobayashi.

15 MR. BAKER: Understood.

16 A. That is the total confusion.

17 MR. BAKER: I understand.

18 Now read the question back.

19 (THE QUESTION WAS READ.)

20 MS. LEWIS: "Do you have any

21 understanding."

22 (THE QUESTION WAS RETRANSLATED.)

23 MR. MANZO: And my instruction to the

24 witness again is your response may not reveal

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1 communications between the company MMU and the  
2 law offices of George Kobayashi.

3 BY THE WITNESS:

4 A. Since my recollection is not clear, I  
5 cannot answer the question.

6 MR. MANZO: Can you take a break?

7 MR. BAKER: Absolutely.

8 (A RECESS WAS HAD.)

9 BY MR. BAKER:

10 Q. Mr. Minemura, welcome back.

11 I want to hand you what we have  
12 marked as Exhibit 94. If you turn to -- This is  
13 a document marked MMU 144 through 148, which  
14 means that MMU produced this document in this  
15 case. I ask you to turn to the page marked MMU  
16 147 and I ask you to focus on the middle third of  
17 the page under the heading Signature and Other  
18 Information.

19 In that is a declaration by George H.  
20 Kobayashi dated 11/05/2002, and I want to make  
21 sure that my earlier questions are clear to you.  
22 what I was asking earlier is do you have any

Page 6

51908 Miyano Minenura Excerpt.txt

23 understanding of the facts underlying Mr.  
24 Kobayashi's information and belief that permitted

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1 Mr. Kobayashi to sign this declaration under  
2 penalty of perjury?

3 THE INTERPRETER: Could you repeat the  
4 question?

5 (THE QUESTION WAS READ.)

6 MR. MANZO: I object. You are asking the  
7 witness to comment on a legal document that is  
8 not written in Japanese.

9 I also instruct him not to  
10 communicate the contents of any communication  
11 that went between the company and Mr. Kobayashi's  
12 law offices in either direction.

13 BY THE WITNESS:

14 A. I would like to decline commenting on  
15 this document since as Mr. Manzo has pointed out  
16 that I can't completely -- personally understand  
17 this document.

18 (END OF EXCERPT)

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1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS:

3 I, Jerry Satterlee, certify that I am a  
4 Certified Shorthand Reporter doing business in  
Page 7

51908 Miyano Minenura Excerpt.txt

5 the State of Illinois;

6

7 I further certify that I am not a  
8 relative, employee, attorney or counsel of any of  
9 the parties, nor financially interested directly  
10 or indirectly in this matter.

11

12 That I reported in shorthand the  
13 proceedings had at the Deposition of Akiro  
14 Minemura as excerpted.

15

16 And that the foregoing is a true and  
17 correct transcript of my shorthand notes so taken  
18 at the said Deposition of Akiro Minemura.

19

20 CERTIFIED TO THIS 19TH DAY OF MAY, 2008.

21

22 Jerry Satterlee, C.S.R.,  
23 CSR No. 84-001354

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